

**ORIGINAL**

**BEFORE THE**  
**Federal Communications Commission**  
**WASHINGTON, D.C. 20554**

In the Matter of )  
 )  
Amendment of the Commission's Rules to )  
Establish Rules and Policies Pertaining to a )  
Mobile-Satellite Service in the 1610-1626.5/ )  
2483.5-2500 MHz Frequency Bands )

CC Docket No. 92-166

To: The Commission

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**REPLY OF TRW INC.**

TRW Inc. ("TRW"), by its attorneys and pursuant to Section 1.429 of the Commission's rules, hereby replies to the Opposition of Motorola Satellite Communications, Inc. ("Motorola") to TRW's Petition for Further Reconsideration of the Commission's February 15, 1996 memorandum opinion and order in the above-captioned proceeding.<sup>1/</sup> Motorola's arguments only buttress the rationale employed by the Commission at the time it imposed the "interim frequency plan" for the nongeostationary mobile satellite service above 1 GHz ("NGSO/MSS") in 1994, and the absence of changed circumstances compel the expeditious reimposition of the plan.<sup>2/</sup>

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<sup>1/</sup> Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile-Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Band, FCC 96-54 (released February 15, 1996) ("Big LEO MO&O").

<sup>2/</sup> Id., slip op. at 5 (reconsidering Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile-Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Band, 9 FCC Rcd 5936 (1994) ("Big LEO Report and Order").

TRW showed in its Petition that the circumstances that initially motivated the Commission to adopt the "interim plan" have not changed, and may not ever change. TRW contended that until it is confirmed that the NGSO/MSS systems operating in the 1610-1626.5 MHz band do not have to protect the co-frequency and adjacent frequency operations of the Russian Global Navigation Satellite System ("GLONASS") to the level currently demanded by the Russian Administration, the requirement for the interim plan persists, and equity demands that it remain in place. See TRW Petition at 2-6.

Indeed, the core circumstances have remained unchanged for several years now. Then, as now, the Commission has been confident that the GLONASS frequency plan would be adjusted in such a fashion that there would be no consequent restrictions on NGSO/MSS operations at 1610 MHz. Then, as now, the Commission has had no basis for knowing when, if ever, the expected transition would occur. Then, as now, the Commission and NGSO/MSS operators have been facing the prospect that up to 4 megahertz of the 16.5 megahertz allocation at 1610-1626.5 MHz may be unavailable for initial NGSO/MSS operations in the United States due to in-band and/or out-of-band emission restrictions designed to protect GLONASS operations.

Given the fact that the Commission's decision to eliminate the interim band plan it had adopted just 16 months earlier is one with which Motorola is in accord, TRW

understands Motorola's sudden desire for administrative finality and to "move on" to other matters. See Motorola Opposition at 8. Nevertheless, in asserting that TRW's Petition is subject to dismissal as violative of Section 1.429(i) of the Commission's rules (see *id.*), Motorola is flat wrong. Section 1.429(i) provides in pertinent part that:

Any order disposing of a petition for reconsideration which modifies rules adopted by the original order is, to the extent of such modification, subject to reconsideration in the same manner as the original order. Except in such circumstances, a second petition for reconsideration may be dismissed by the staff as repetitious.

47 C.F.R. § 1.429(i) (emphasis added). Because the Commission's Big LEO MO&O, in response to petitions for reconsideration from Motorola and others, modified the Commission's 1994 ruling on the interim band plan, TRW's petition for reconsideration of that ruling is within the class of petitions for reconsideration that are exempted by Section 1.429(i) from dismissal as repetitious.

If there is no need to protect GLONASS operations in a manner that restricts the ability of TRW to operate its NGSO/MSS system down to 1610 MHz or otherwise requires losses in capacity, TRW would be satisfied. It agrees with the cogent arguments Motorola and L/Q Licensee, Inc. have presented as to why such protection should be unnecessary, and has been working hand-in-hand with these system permittees to arrive at

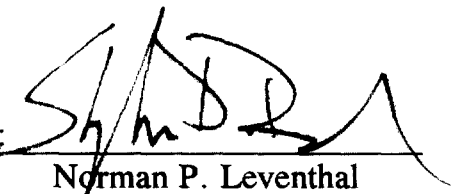
a solution satisfactory to all concerns. For now, however, the issue is unresolved, the Commission has not said that protection will not be required even for the United States, and those very same principles of administrative certainty that Motorola cites compel the retention of the interim band plan until a definitive resolution is at hand.

Motorola's eagerness to restate its entire arguments from years hence as to why there should not be an interim band plan misses the point of TRW's Petition. TRW is in full agreement with the objective of — for once and for all — finding that no protection requirements that restrict NGSO/MSS operations at 1610-1626.5 MHz are needed. Its point, which is in no way countermanded by Motorola, is: because the litany of open questions and uncertainties that motivated the Commission first to propose and then to impose the interim band plan exist unabated today, the Commission had no business in removing the plan in the Big LEO MO&O. Its action was arbitrary,

unsupported, and portends negatively on the NGSO/MSS systems that would operate down to 1610 MHz. This aspect of the ~~Big LEO MO&O~~ should thus be restored for the reasons stated by TRW above and in its Petition for Further Reconsideration..

Respectfully submitted,

TRW Inc.

By: 

Norman P. Leventhal

Raul R. Rodriguez

Stephen D. Baruch

Leventhal, Senter & Lerman  
2000 K Street, N.W.  
Suite 600  
Washington, D.C. 20006  
(202) 429-8970

May 30, 1996

Its Attorneys

## **CERTIFICATE OF SERVICE**

I, Katharine B. Squalls, hereby certify that a true and correct copy of the foregoing "Reply of TRW Inc." was mailed, first-class postage prepaid, this 30th day of May, 1996 to each of the following:

**\*Chairman Reed Hundt  
Federal Communications Commission  
1919 M Street, N.W.  
Room 814  
Washington, D.C. 20554**

**\*Commissioner James H. Quello  
Federal Communications Commission  
1919 M Street, N.W.  
Room 802  
Washington, D.C. 20554**

**\*Commissioner Susan Ness  
Federal Communications Commission  
1919 M Street, N.W.  
Room 832  
Washington, D.C. 20554**

**\*Commissioner Rachelle B. Chong  
Federal Communications Commission  
1919 M Street, N.W.  
Room 844  
Washington, D.C. 20554**

**\*Donald H. Gips, Chief  
International Bureau  
Federal Communications Commission  
2000 M Street, NW, Room 800  
Washington, DC 20554**

\*Tom Tycz, Chief  
 Satellite and Radiocommunication Division  
 International Bureau  
 Federal Communications Commission  
 2000 M Street, NW, Room 811  
 Washington, DC 20554

\*Cecily C. Holiday  
 Deputy Chief  
 Satellite and Radiocommunication Division  
 Federal Communications Commission  
 2000 M Street, NW, Room 800  
 Washington, DC 20554

\*Karl A. Kensinger  
 International Bureau  
 Satellite Radio Branch  
 Federal Communications Commission  
 2000 M Street, NW, Room 800  
 Washington, DC 20554

\*Jennifer Gilsean  
 Satellite and Radiocommunications Division  
 International Bureau  
 Federal Communications Commission  
 2000 M Street, N.W., Room 511  
 Washington, DC 20554

\*Kathleen Campbell  
 International Bureau  
 Satellite Policy Branch  
 Federal Communications Commission  
 2000 M Street, NW, Room 800  
 Washington, DC 20554

\*Fern Jarmulnek, Chief  
 Satellite Policy Branch  
 Federal Communications Commission  
 2000 M Street, NW, Room 518  
 Washington, DC 20554

\*Harry Ng  
Satellite Engineering Branch  
Federal Communications Commission  
2000 M Street, NW, Fifth Floor  
Washington, DC 20554

Philip L. Malet  
Alfred M. Mamlet  
Steptoe & Johnson  
1330 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
Counsel for Motorola, Inc

Michael D. Kennedy  
Vice President and Director  
Regulatory Relations  
Motorola, Inc.  
1350 I Street, N.W  
Suite 400  
Washington, DC 20005

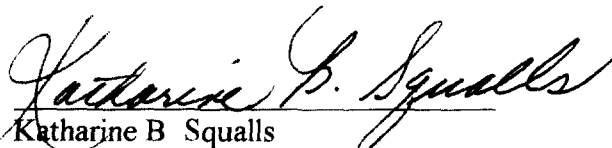
William F. Adler  
Vice President and Division Counsel  
Globalstar  
3200 Zanker Road  
San Jose, CA 95134

William D. Wallace  
Crowell & Moring  
1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2595  
Counsel for L/Q Licensee, Inc.

Leslie Taylor  
Leslie Taylor Associates  
6800 Carlynn Court  
Bethesda, MD 20817  
Counsel for L/Q Licensee, Inc.



John L. Bartlett  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, DC 20006  
Counsel for Aeronautical Radio, Inc.

  
Katharine B Squalls